

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

HAROLD LOYD JOHNSON,)	
)	
Plaintiff)	
)	
vs.)	No. CIV-09-263-C
)	
DAVID MILLER, Warden,)	
)	
Defendant)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Supplemental Report and Recommendation on September 8, 2009, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, Petitioner merely restates the conclusions and legal argument originally asserted, and raises no issue not fully and accurately addressed and rejected by the Magistrate Judge.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, Defendant's Motion to Dismiss the claim in ground one for failure to exhaust administrative remedies is DENIED and

Defendant's Motion for Summary Judgment with respect to the claims in grounds one and two are GRANTED. A judgment will enter accordingly.

Plaintiff's "Motion for Protective Order" is denied as it seeks relief against a non-party and is unsupported by legal citation or theory.

IT IS SO ORDERED this 10th day of November, 2009.



ROBIN J. CAUTHRON
United States District Judge